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Law

Thomas J. Healey  
Counsel - Regulatory

17641 S. Ashland Avenue  
Homewood, IL 60430-1339

T - 708-332-4381  
F - 708-332-4361  
tom.healey@cn.ca

June 23, 2010

**Via Overnight Mail**

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E. Street, S.W.  
Washington, DC 20424



227333

Re: Docket No. AB-31 (Sub-No. 42X), Grand Trunk Western Railroad Company — Abandonment Exemption — in Richmond, Macomb County, Michigan

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the Verified Notice of Exemption of Grand Trunk Western Railroad Company dated June 23, 2010, pursuant to 49 C.F.R. § 1152.50. I am also enclosing a check in the amount of \$3,700.00, representing the appropriate fee for this filing.

One extra copy of this transmittal letter is enclosed as well. Please date stamp this copy to show receipt and return it to me in the enclosed envelope.

The Environmental and Historic Reports for this proceeding have already been filed with the Board. Feel free to contact me if you have any questions. Thank you for your assistance in this matter.

Respectfully submitted,

*Tom Healey*

Thomas J. Healey  
Attorney for  
Grand Trunk Western Railroad Company

**FEE RECEIVED**

JUN 24 2010

**TRANSPORTATION BOARD**

ENTERED  
Office of Proceedings

JUN 24 2010

Part of  
Public Record

Encls.

**FILED**

cc: Michigan Department of Transportation

JUN 24 2010

**SURFACE  
TRANSPORTATION BOARD**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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DOCKET NO. AB-31 (SUB-NO. 42X)

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GRAND TRUNK WESTERN RAILROAD COMPANY  
— ABANDONMENT EXEMPTION —  
IN RICHMOND, MACOMB COUNTY, MICHIGAN

---

**VERIFIED NOTICE OF EXEMPTION OF  
GRAND TRUNK WESTERN RAILROAD COMPANY  
PURSUANT TO 49 C.F.R. § 1152.50**

---

Thomas J. Healey  
17641 S. Ashland Avenue  
Homewood, IL 60430-1345  
(708) 332-4381  
ATTORNEY FOR  
GRAND TRUNK WESTERN  
RAILROAD COMPANY

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

DOCKET NO. AB-31 (Sub-No. 42X)

---

GRAND TRUNK WESTERN RAILROAD COMPANY  
- ABANDONMENT EXEMPTION -  
IN RICHMOND, MACOMB COUNTY, MICHIGAN

---

**VERIFIED NOTICE OF EXEMPTION OF  
GRAND TRUNK WESTERN RAILROAD COMPANY  
PURSUANT TO 49 C.F.R. § 1152.50**

---

Grand Trunk Western Railroad Company ("GTW") hereby submits this Notice of Exemption pursuant to 49 C.F.R. Part 1152. Subpart F, to abandon its line of railroad in Richmond, Macomb County, Michigan, referred to herein as the "Line" between milepost 0.00 and milepost 0.42, a distance of 0.42 miles.

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), GTW submits the following information:

**General Corporation Information: 49 C.F.R. § 1152.22(a)(1)-(2)**

GTW is a Class I common carrier by rail which owns and operates approximately 485 miles of rail line in Michigan, Ohio, Indiana and Illinois. Grand Trunk Corporation is a wholly-owned subsidiary of Canadian National Railway Company. The complete name and address of GTW is:

Grand Trunk Western Railroad Company  
17641 S. Ashland Avenue  
Homewood, IL 60430-1345

**Relief Sought: 49 C.F.R. § 1152.22(a)(3)**

Pursuant to the Board's class exemption for the abandonment of out-of-service rail lines, codified at 49 C.F.R. Part 1152, Subpart F, GTW intends to abandon its line of railroad between Mileposts 0.00 and 0.42, a distance of approximately 0.42 miles in Richmond, Macomb County, Michigan.

**Map: 49 C.F.R. § 1152.22(a)(4)**

A map of the Line to be abandoned is attached hereto as Exhibit A.

**GTW's Representative: 49 C.F.R. § 1152.22(a)(7)**

GTW's representative to whom correspondence regarding this abandonment should be sent is:

Thomas J. Healey  
17641 S. Ashland Avenue  
Homewood, IL 60430-1345  
(708) 332-4381

**ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)**

The portion of the Line to be abandoned traverses United States Postal Service ZIP Code 48062.

**Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)**

Per the certificate and verification attached hereto as Exhibit B, GTW certifies that no local revenue traffic has moved over the portion of the Line to be abandoned for at least the last two years, there is no overhead traffic on this trackage that would have to be rerouted over other lines, and no formal complaint filed by a user of rail service on the portion of the Line to be abandoned (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the proposed abandonment is pending with the Board or any U.S. District Court or has been decided in favor of the complainant during the last two years.

**Consummation Date: 49 C.F.R. § 1152.50(d)(2)**

GTW will not consummate the proposed abandonment any earlier than August 20, 2010.

**Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)**

GTW does not believe that the right-of-way would be of interest to the State or any other entity as a highway or mass transportation line or other similar public use because it sits in a developed urban area with a mature roadway system.

**Labor Protection: 49 C.F.R. 1152.50(d)(2)**

The level of labor protection applicable in rail line abandonment's is that established in *Oregon Short Line Co. — Abandonment — Goshen*, 360 I.C.C. 91 (1979).

**Certificate of Compliance with Notice Requirements: 49 C.F.R. § 1152.50(d)(2)**

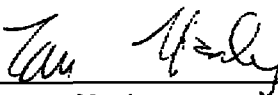
A certificate that the notice of requirements of 49 C.F.R. § 1152(d)(1) and 49 C.F.R. § 1105.11 have been complied with is attached hereto as Exhibit C.

**Environmental and Historic Report: 49 C.F.R. §§ 1105.7 and 1105.8**

An Environmental Report and Historic Report, prepared pursuant to 49 C.F.R. §§ 1105.7 and 1105.8, were previously filed with the Surface Transportation Board in this proceeding.

Since filing the Environmental and Historic Report with the Surface Transportation Board, GTW has received correspondence from the State of Michigan, Department of Natural Resources & Environment, see correspondence attached as Exhibit D. The DNR has stated that there are no known occurrences of threatened or endangered species within this abandonment.

Respectfully submitted,

By   
Thomas J. Healey  
17641 S. Ashland Avenue  
Homewood, IL 60430-1345  
(708) 332-4381

Dated: June 23, 2010

ATTORNEY FOR GRAND TRUNK WESTERN  
RAILROAD COMPANY



Exhibit A

**EXHIBIT B**

**DOCKET NO. AB-31 (SUB-NO. 42X)**

**GRAND TRUNK WESTERN RAILROAD COMPANY  
— ABANDONMENT EXEMPTION —  
IN RICHMOND, MACOMB COUNTY, MICHIGAN**

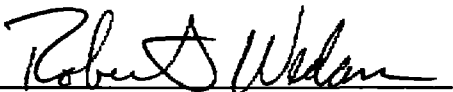
**CERTIFICATE AND VERIFICATION**

STATE OF ILLINOIS       )  
                                      ) ss  
COUNTY OF COOK       )

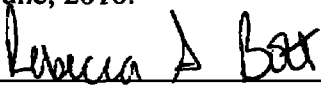
Robert M. Wedam, being duly sworn, deposes and says:

1. That no local traffic has moved over the line of Grand Trunk Western Railroad Company ("GTW") from milepost 0.00 to 0.42, a distance of 0.42 miles in Richmond, Macomb County, Michigan, for at least two years, and that there is no overhead traffic to be rerouted over other lines; and
2. That no formal complaint filed by a user of rail service on the subject line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the last two years; and
3. That he has read the foregoing Notice of Exemption, knows the facts therein asserted, and that the same are true as stated.

Date: June 18, 2010

  
Robert M. Wedam  
Senior Manager – Network Strategies  
Grand Trunk Western Railroad Company

Subscribed and sworn to  
before me this 18 day of  
June, 2010.

  
Notary Public



## **EXHIBIT C**

### **CERTIFICATE**

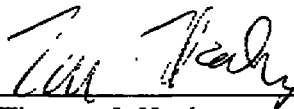
I, Thomas J. Healey, an attorney for Grand Trunk Western Railroad Company, hereby certify that, for the proceeding before the Surface Transportation Board known as Docket No. AB-31 (Sub-No. 42X), Grand Trunk Western Railroad Company — Abandonment Exemption — in Richmond, Macomb County, Michigan:

(1) The notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with, to-wit: On June 10, 2010, written notice was mailed to the: (a) Michigan Department of Transportation; (b) U.S. Department of Defense, MTMCTEA; (c) National Center for Recreation and Conservation; and (d) U.S. Department of Agriculture (copies of which are attached hereto as Attachments 1-4).

(2) The notice requirements of 49 C.F.R. § 1105.11 have been complied with, to wit: On May 26, 2010, the Environmental Report and Historic Report for this proceeding, which reports have also been filed with the Surface Transportation Board, and the accompanying transmittal letters in the form set forth in 49 C.F.R. § 1105.11 (a sample of which is attached hereto as Attachment 5) were served by first class mail, postage prepaid, on the parties listed on Attachment 6, which list includes the state historic preservation officer, as required by 49 C.F.R. § 1105.7(b) and § 1105.11.



(3) A newspaper notice was published on May 16, 2010. in *The Macomb Daily*, a newspaper of general circulation in Richmond, Macomb County, Michigan. The notice alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. A copy of the notice and Affidavit of Publication are attached to this Certificate as Attachment 7.

  
\_\_\_\_\_  
Thomas J. Healey

Dated: June 23, 2010



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**Law**

**Thomas J. Healey**  
Counsel - Regulatory  
17641 S. Ashland Avenue  
Homewood, IL 60430-1339

T - 708-332-4381  
F - 708-332-4361  
tom.healey@cn.ca

June 10, 2010

Michigan Department of Transportation  
Attn: Mr. Paul McAllister  
Murray D. Van Wagoner Bldg.  
PO Box 30050  
Lansing, MI 48909

Re: Docket No. AB-31 (Sub-No. 42X), Grand Trunk Western Railroad Company  
Notice of Exemption in Richmond, Macomb County, Michigan

Dear Mr. McAllister:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Grand Trunk Western Railroad Company shall on or after June 18, 2010, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 0.42 miles of railroad line starting at milepost 0.00 and ending at milepost 0.42 in Richmond, Macomb County, Michigan. Such line runs through U.S. Postal Zip Code 48062.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and any potential overhead traffic on this line can be rerouted over other lines. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas J. Healey  
Attorney for Grand Trunk Western Railroad Company



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**Law**

**Thomas J. Healey**  
Counsel - Regulatory  
17641 S. Ashland Avenue  
Homewood, IL 60430-1339

**T - 708-332-4381**  
**F - 708-332-4361**  
**tom.healey@cn.ca**

June 10, 2010

Military Surface Deployment and Distribution Command  
Transportation Engineering Agency  
Attn: SDTE-SA (Railroads for National Defense)  
709 Ward Drive, Building 1990  
Scott AFB, IL 62225-5357

Re: Docket No. AB-31 (Sub-No. 42X), Grand Trunk Western Railroad Company  
Notice of Exemption in Richmond, Macomb County, Michigan

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Grand Trunk Western Railroad Company shall on or after June 18, 2010, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 0.42 miles of railroad line starting at milepost 0.00 and ending at milepost 0.42 in Richmond, Macomb County, Michigan. Such line runs through U.S. Postal Zip Code 48062.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and any potential overhead traffic on this line can be rerouted over other lines. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas J. Healey  
Attorney for Grand Trunk Western Railroad Company



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Homewood, IL 60430-1339

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F - 708-332-4361  
tom.healey@cn.ca

June 10, 2010

Mr. Thomas Ross, Division Chief  
National Center for Recreation and Conservation  
National Park Service  
1849 C. Street, N.W.  
Org. Code 2220  
Washington, D.C. 20420

Re: Docket No. AB-31 (Sub-No. 42X), Grand Trunk Western Railroad Company  
Notice of Exemption in Richmond, Macomb County, Michigan

Dear Mr. Ross:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Grand Trunk Western Railroad Company shall on or after June 18, 2010, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 0.42 miles of railroad line starting at milepost 0.00 and ending at milepost 0.42 in Richmond, Macomb County, Michigan. Such line runs through U.S. Postal Zip Code 48062.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and any potential overhead traffic on this line can be rerouted over other lines. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas J. Healey  
Attorney for Grand Trunk Western Railroad Company



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**Law**

**Thomas J. Healey**  
Counsel - Regulatory  
17641 S. Ashland Avenue  
Homewood, IL 60430-1339

T - 708-332-4381  
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tom.healey@cn.ca

June 10, 2010

Ms. Abigail Kimball  
Chief, Forest Service  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
RM 4NW YATESBG  
Washington, DC 20250

Re: Docket No. AB-31 (Sub-No. 42X), Grand Trunk Western Railroad Company  
Notice of Exemption in Richmond, Macomb County, Michigan

Dear Ms. Kimball:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Grand Trunk Western Railroad Company shall on or after June 18, 2010, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 0.42 miles of railroad line starting at milepost 0.00 and ending at milepost 0.42 in Richmond, Macomb County, Michigan. Such line runs through U.S. Postal Zip Code 48062.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and any potential overhead traffic on this line can be rerouted over other lines. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas J. Healey  
Attorney for Grand Trunk Western Railroad Company



www.cn.ca

May 26, 2010

Law

Thomas J. Healey  
Counsel - Regulatory

17641 S. Ashland Avenue  
Homewood, IL 60430-1339

T - 708-332-4381  
F - 708-332-4361  
tom.healey@cn.ca

**Re: Grand Trunk Western Railroad Company Notice of Exemption for Abandonment –  
Richmond, Macomb County, Michigan - Docket AB-31 (Sub-No. 42X)**

To Whom It May Concern:

Any time on or after June 18, 2010, Grand Trunk Western Railroad Company ("GTW") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon a railroad line located between milepost 0.00 and milepost 0.42, a distance of 0.42 miles, in Richmond, Macomb County, Michigan. Enclosed is an Environmental Report and a Historic Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental and historic review process, please contact their Section of Environmental Analysis (SEA), at the Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423-0001, (202) 245-0245, and refer to the above docket number.

GTW will file the Environmental Report and Historic Report with the STB on or about May 26, 2010. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (with a copy to the undersigned) would be appreciated within three weeks. Your comments will be considered by the STB in evaluating the environmental and historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (708) 332-4381 or by mail at the above address.

Sincerely,

Thomas J. Healey  
Attorney for Grand Trunk Western Railroad Company

Encls.

US EPA, Region 5  
77 W. Jackson Blvd.  
Mail Code B-19J  
Chicago, IL 60604

Mr. Steven Chester  
Michigan Department of Environmental Quality  
Land and Water Management Division  
525 West Alleghen Street, PO Box 30458  
Lansing, MI 48909

Mr. Craig Czarnecki, Field Supervisor  
Fish and Wildlife Services  
East Lansing Field Office  
2651 Coolidge Road, Suite 101  
East Lansing, MI 48823-6316

Mr. John Konik  
U.S. Army Corps of Engineers  
Detroit District  
477 Michigan Ave.  
Detroit, MI 48231-1027

Mr. William Moritz  
Department of Natural Resources  
Stevens T. Mason Bldg.  
PO Box 30028  
Lansing, MI 48909-7528

Mr. Simon Monroe  
[Simon.Monroe@noaa.gov](mailto:Simon.Monroe@noaa.gov)

Natural Resource Conservation Service  
3001 Coolidge Road, Suite 250  
East Lansing, MI 48823

Mr. Dennis LaFore  
City Counselor, City of Richmond  
68225 Main Street  
Richmond, MI 48062

Mr. Paul McAllister  
MI Department of Transportation  
Murray D. Van Wagoner Bldg.  
PO Box 30050  
Lansing, MI 48909

National Park Service  
9922 W. Front Street  
Empire, MI 49630

MI Department of Environmental Protection  
SE Michigan District Office  
27700 Donald Court  
Warren, MI 48092-2793

Mr. Brian D. Conway  
MI State Historic Preservation Office  
702 West Kalamazoo Street  
PO Box 30740  
Lansing, MI 48909-8240



# AFFIDAVIT OF PUBLICATION

## *Independent Newspapers, Inc*

CORPORATE OFFICES

100 Macomb Daily Drive, P.O. Box 707, Mt. Clemens, MI 48043 (586) 469-4510

### STATE OF MICHIGAN, COUNTY OF MACOMB

The undersigned, Cathy Krajenke being duly sworn that she is the principal clerk of Independent Newspapers published in the English language for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and that annexed hereto is a copy of a certain order, notice, publication or advertisement of:

CN Law Department

#### Published in the following edition(s):

Daily Tribune 05/16/10  
The Macomb Daily 05/16/10

Sworn and subscribed before me this 05/18/2010

Cathy Krajenke  
Cathy Krajenke

Mary Anne Coghlan  
MARY ANNE COGHLAN  
State of Michigan  
My Commission Expires 2-27-2014  
Notary Public, State of Michigan  
Acting in Macomb, Oakland and St. Clair Counties

#### Advertisement Information:

Client No: 1839168

Ad No: 1581494

Class 1050 Legal Notices

PO:

Total Units: 12 Inches

Sort Description: GRANDTRUNKWESTERNRAILROADC

InvNo	Net Invoice	Payments	Balance
ICCM148644	\$604.80	(\$604.80)	\$0 00
Sum	\$604.80	(\$604.80)	\$0 00

GRAND TRUNK WESTERN RAILROAD COMPANY gives notice that on or about May 17, 2010 it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments, permitting the abandonment of 0.42 miles of railroad line between milepost 0.90 and milepost 0.42 in Richmond, Macomb County, Michigan. This line traverses through U.S. Postal Zip Code 48062. The proceeding will be docketed as AB-31 (Sub No. 42X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA) which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the SEA, Surface Transportation Board, 395 E. Street SW, Washington, DC 20423 or by calling that office at (202) 245-0245.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, Section of Administration, 395 E. Street SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative. [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trail use may be directed to the Commission's Office of Congressional and Public Services at (202) 565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Thomas J. Healey, (708) 332-4381 at 17541 S. Ashland Avenue, Homewood, IL 60430.

The Macomb Daily / The Daily Tribune



STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT  
LANSING

JENNIFER M. GRANHOLM  
GOVERNOR

REBECCA A. HUMPHRIES  
DIRECTOR

June 8, 2010

Ms. Rebecca Bott  
CN Law Department  
17641 South Ashland Avenue  
Homewood, IL 60430

**RE: Proposed railroad abandonment**

Dear Ms Bott:

The location of the proposed project was checked against known localities for rare species and unique natural features, which are recorded in a statewide database. This continuously updated database is a comprehensive source of existing data on Michigan's endangered, threatened, or otherwise significant plant and animal species, natural plant communities, and other natural features. Records in the database indicate that a qualified observer has documented the presence of special natural features at a site. The absence of records in the database for a particular site may mean that the site has not been surveyed. The only way to obtain a definitive statement on the status of natural features is to have a competent biologist perform a complete field survey.

Under Act 451 of 1994, the Natural Resources and Environmental Protection Act, Part 365, Endangered Species Protection, "a person shall not take, possess, transport, ... fish, plants, and wildlife indigenous to the state and determined to be endangered or threatened," unless first receiving an Endangered Species Permit from the Department of Natural Resources & Environment, Wildlife Division. The presence of threatened or endangered species does not preclude activities or development, but may require alterations in the project plan. *Species may be present that have not been recorded in the database.*

The following is a summary of the results for the project in Macomb County, Section 1, T4N R14E:

There are no known occurrences of federal- or state-listed endangered, threatened, or otherwise significant species, natural plant communities, or natural features at the location(s) specified.

Thank you for your advance coordination in addressing the protection of Michigan's natural resource heritage. Responses and correspondence can be sent to: Michigan Department of Natural Resources & Environment, Wildlife Division, PO Box 30444, Lansing, MI 48909. If you have further questions, please call me at 517-373-1263 or e-mail at [SargentL@michigan.gov](mailto:SargentL@michigan.gov).

Sincerely,

Lori G. Sargent  
Endangered Species Specialist  
Wildlife Division